



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,123	09/23/2005	Markus Andert	112740-1053	6888

29177 7590 12/18/2006

BELL, BOYD & LLOYD, LLC  
P. O. BOX 1135  
CHICAGO, IL 60690-1135

EXAMINER

GUZMAN, APRIL S

ART UNIT PAPER NUMBER

2618

DATE MAILED: 12/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/526,123	<b>Applicant(s)</b> ANDERT ET AL.	
	<b>Examiner</b> April S. Guzman	<b>Art Unit</b> 2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/28/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

#### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Preliminary Amendment***

The present Office Action is based upon the original patent application filed on September 23, 2005 as modified by the preliminary amendment also filed on September 23, 2005. **Claims 22-42** are now pending in the present application.

#### ***Information Disclosure Statement***

The information disclosure statement submitted on February 28, 2005 has been considered by the Examiner and made of record in the application file.

#### ***Claim Objections***

**Claim 37** is objected to because of the following informalities: Line 6 of claim 37, replace "he mixing device" with --the mixing device--.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2618

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 22-27** are rejected under 35 U.S.C. 102(b) as being anticipated by **Tagawa et al.**

**(U.S. Patent Application Publication # 2002/0045438 A1).**

Consider **claim 22**, Tagawa et al. disclose a telecommunication terminal (mobile phone 100) (Figure 2, Figure 3, and [0059]), comprising:

a recording device for recording acoustic user information (microphone 7 inputs a user's voice) (Figure 2, Figure 3, [0061] and [0065]);

a memory for storing acoustic effect data, the acoustic effect data including tone data (ring tone storage unit 110 which stores ring tones, music data recording medium 105 stores music data, incoming call processing information storage unit 107 stores a communicating partner's phone number, ring tone reproduction methods when a call arrives and information of resume of music data reproduction after finishing a talk) (Figure 2, Figure 3, [0068], [0070], and [0074]);

a mixing device (reproduction unit 106) connected to both the recording device and the memory, such that in a mixing mode of operation the acoustic user information recorded by the recording device is provided with a background including the tone data stored in the memory (Reproduction unit 106 reproduces music data stored in music data recording medium, a ring tone stored in ring tone storage unit 110 and communicating voice/sound. The mobile phone 100 with music data reproduction function can reproduce the music data specified by a user in the BGM file name 310 as BGM, thereby producing an effect that both a user and his/her

communicating partner can enjoy listening to the music data as BGM during a telephone conversation.) (Figure 3, [0073], and [0126]); and

a control device (control unit 103) connected to the mixing device for terminating the mixing mode of operation, after the mixing mode of operation has been started, upon expiration of a predefined operating period, wherein the predefined operating period substantially corresponds to one of a duration of play of the tone data and a multiple of the duration of play of the tone data (the incoming call processing information storage unit 107 is a memory in which the file name and position information of the music data which the reproduction unit 106 was reproducing, and the resume method, or the information for identifying the resume method, indicating at which position of the music data reproduction is to be resumed are stored when the control unit 103 instructs the reproduction unit 106 to stop music data reproduction. The control unit 103 refers to this information when it resumes music data reproduction, identifies appropriate music data and a specific readout position thereof, and instructs the music data readout unit 104 to readout the music data.) (Figure 3, and [0074]).

Consider **claim 23, as applied to claim 22 above**, Tagawa et al. disclose wherein the predefined operating period is stored in the memory (incoming call processing information storage unit 107 comprises a phone book storage area 301, and incoming call processing method storage area 302, a resume information storage area 303 and a resume method storage area 304 wherein the resume information storage area 303 stores a resume file name 401 and incoming call reproduction position information 402 and wherein the resume method storage area 304 is an area in which the number corresponding to the resume patters indicating a plurality of types of resume methods is stored) (Figure 5, Figure 6, [0087], [0097], and [0098]).

Consider **claim 24, as applied to claim 22 above**, Tagawa et al. disclose wherein the acoustic effect data includes characteristic tone data, and the telecommunication terminal further comprises a tone data generator for generating tone data from the characteristic tone data, with the tone data generator being connected to both the memory and the mixing device, and wherein the mixing device provides, in the mixing mode of operation, the acoustic user information with a background of the tone data generated from the characteristic tone data (Ring tone readout unit 109 reads out the ring tone stored in the ring tone storage unit 110, music data readout unit 104 records the music data, image data, text data or the like downloaded the communication unit 108 in the music data recording medium 105 as well as reads out the music data and others recorded in the music data recording medium 105, the control unit 103 determines, based on the read-out incoming call processing method, whether to stop reproducing music data or continue reproducing music data as BGM (S804). The mobile phone 100 with music data reproduction function can reproduce the music data specified by a user in the BGM file name 310 as BGM, thereby producing an effect that both a user and his/her communicating partner can enjoy listening to the music data as BGM.) (Figure 3, Figure 10, [0068], [0070], and [0126]).

Consider **claim 25, as applied to claim 22 above**, Tagawa et al. disclose wherein a repetition factor is stored in the memory, and the predefined operating period substantially corresponds to a product of the repetition factor and a duration of play of the acoustic effect data (Incoming call processing information storage unit 107 comprises a phone book storage area 301, and incoming call processing method storage area 302, a resume information storage area 303 and a resume method storage area 304 wherein the resume information storage area 303 stores a resume file name 401 and incoming call reproduction position information 402 and

Art Unit: 2618

wherein the resume method storage area 304 is an area in which the number corresponding to the resume patters indicating a plurality of types of resume methods is stored. There are three types of resume patterns; resume pattern 1 of resuming reproduction at the position of stopping thereof after finishing a talk, resume pattern 2 of resuming reproduction at the position rewound for a specified time of seconds from the position of stopping reproduction. Resume pattern 3, regardless of an address value stored in the incoming call reproduction position information 312 in the incoming call processing information storage unit 107, reproduction is resumed from the song beginning.) (Figure 5, Figure 6, [0087], [0097], [0098], and [0101]).

Consider **claim 26, as applied to claim 22 above**, Tagawa et al. disclose wherein the acoustic effect data includes distortion characteristics, and the mixing device distorts, in the mixing mode of operation, the acoustic user information using the distortion characteristics (If the control unit 103 determines to continue reproducing music data as BGM in Step S804, it has the reproduction unit 106 tune down gradually the sound volume of the reproducing music data to that for BGM reproduction. At the same time, it has the ring tone readout unit 109 read out the predetermined ring tone from the ring tone storage unit 110, has the reproduction unit 106 start fade-in processing of the read-out ring tone, so as to reproduce the ring tone by mixing it with the BGM reproduction sound (S806), read as distorting the BGM by mixing it with ring tone or BGM alone can be a form or distortion during a telephone conversation.) (Figure 10, and [0112]).

Consider **claim 27**, Tagawa et al. disclose a telecommunication terminal (mobile phone 100) (Figure 2, Figure 3, and [0059]), comprising:

a recording device for recording acoustic user information (microphone 7 inputs a user's voice) (Figure 2, Figure 3, [0061] and [0065]);

a memory for storing acoustic effect data, the acoustic effect data including distortion characteristics (Ring tone storage unit 110 which stores ring tones, music data recording medium 105 stores music data, incoming call processing information storage unit 107 stores a communicating partner's phone number, ring tone reproduction methods when a call arrives and information of resume of music data reproduction after finishing a talk. Ring tone stored in ring tone storage unit 110 and music data stored in music data recording medium is read as distortion characteristics, which may distort a telephone conversation between two users. The mobile phone 100 with music data reproduction function can reproduce the music data specified by a user in the BGM file name 310 as BGM, thereby producing an effect that both a user and his/her communicating partner can hear the music data as BGM.) (Figure 2, Figure 3, [0068], [0070], [0074], and [0126]); and

a mixing device connected to both the recording device and the memory, such that in a mixing mode of operation the acoustic user information recorded by the recording device is modified using the acoustic effect data stored in the memory, with the mixing device distorting, in the mixing mode of operation, the acoustic user information using the distortion characteristics (Reproduction unit 106 reproduces music data stored in music data recording medium, a ring tone stored in ring tone storage unit 110 and communicating voice/sound, wherein ring tone and music data as BGM is read as distortion characteristics. The mobile phone 100 with music data reproduction function can reproduce the music data specified by a user in the BGM file name 310 as BGM, thereby producing an effect that both a user and his/her communicating partner



listening to the music data as BGM during a telephone conversation.) (Figure 3, [0073], and [0126]).

Consider **claim 28, as applied to claim 27 above**, Tagawa et al. disclose further comprising at least one of a start control element for starting the mixing mode of operation by a user and a stop control element for terminating the mixing mode of operation by the user (User's instructions include, for example, an instruction to accept the input of the communicating partner's phone number to make a call, a reproduction start instruction to start music reproduction, a stop instruction to stop music reproduction, a fast-forward instruction to fast-forward music reproduction and a rewind instruction to rewind music reproduction. There are three types of resume patterns 1~3 of the resume pattern 601 can be provided, thereby producing an effect that a user can choose and perform a resume method preferable for himself/herself among the above-mentioned methods 1~3.) ([0065], and [0103]).

Consider **claim 29, as applied to claim 27 above**, Tagawa et al. disclose wherein the acoustic effect data is stored in an acoustic effect file in the memory (Ring tone storage unit 110 which stores ring tones, music data recording medium 105 stores music data, incoming call processing information storage unit 107 stores a communicating partner's phone number, ring tone reproduction methods when a call arrives and information of resume of music data reproduction after finishing a talk.) (Figure 2, Figure 3, [0068], [0070], and [0074]).

Consider **claim 30, as applied to claim 29 above**, Tagawa et al. disclose wherein the acoustic effect file includes at least one of a predefined operating period, a repetition factor and a duration of play of the acoustic effect data (Case (1) a user is reproducing music at the time when a user receives a call, the control unit 103 instructs the reproduction unit 106 to fade out the

Art Unit: 2618

reproducing music and ring tone readout unit 109 fades in a read-out ring tone, when the user responds to the call the ring tone stops and only the communicating voice/sound is outputted.

When a call is finished, the reproduction of music data is resumed. Case (2) a user is reproducing music data at the time when a user receives a call, the control unit 103 instructs the reproduction unit 106 to turn down the volume of the reproducing music data and ring tone readout unit 109 fades in the read-out ring tone, when the user responds to the call the ring tone stops and the BGM reproduction sound of music data is mixed with the communicating voice/sound and reproduced. When a call is finished, the BGM reproduction sound volume of music data is returned to the reproduction sound volume of music data on receiving a call. Case (3) a user does not reproduce music data when the user receives a call, the control unit 103 instructs the ring tone readout unit 109 to fade in the read-out ring tone, when the user responds to the call the control unit 103 instructs the music data readout unit 104 to read out the tune data 203 of the read-out BGM file name 310 from the music data recording medium 105 and reproduces the tune data as BGM and the ring tone is stopped. When a call is finished, the reproduction unit 106 stops reproducing music data.) ([0128], [0130], [0131], [0132], [0135], [0136], [0137], and [0138])

Consider **claim 31, as applied to claim 29 above**, Tagawa et al. disclose wherein at least two acoustic effect files are stored in the memory (The ring tone storage unit 110 is a recording medium in which ring tones are stored. The ring tones which can be recorded therein are not limited to one, in other words, more than one ring tone may be recorded. A maximum of 999 song data can be stored in the song data storage area 201. A maximum of 999 melodies can be recorded.) ([0078], [0080], and [0082]).

Consider **claim 32, as applied to claim 31 above**, Tagawa et al. disclose further comprising at least one selection control element for selecting at least one of the at least two acoustic effect files (If there is a notice of receiving a call, the control unit 103 examines whether a caller's phone number is registered in the phone number storage area 301 of the incoming call processing information storage unit 107 to determine whether the caller has already been registered in the phone number storage area 301 (S1002). If it is found, as the result of the determination, that the caller is registered, the control unit 103 reads out the BGM file name 310 for the corresponding registrant 306 within the incoming call processing information storage unit 107 (S1003). If the content of the read-out BGM file name 310 is not "0", it is the file name of the music data to be processed.) (Figure 12, [0122], [0123], and [0124]).

Consider **claim 33, as applied to claim 29 above**, Tagawa et al. teaches further comprising at least one start control element for starting the mixing mode of operation using the acoustic effect data of the acoustic effect file assigned to the start control element (If the file name is specified as the result of determination in Step S1004, the control unit 103 waits for a notice of starting communication from the communication unit 108 (S1005). When it receives the notice of starting communication from the communication unit 108, it instructs the music data readout unit 104 to read out music data specified in the BGM file name 310, and starts a process of reproducing music data as BGM by instructing the reproduction unit 106 to reproduce the read-out music data as BGM (S1006), thereby completing the processing.) ([0125]).

Consider **claim 34, as applied to claim 34 above**, Tagawa et al. disclose further comprising a housing have at least one exchangeable housing part (The mobile phone 100 comprises of a main body 1. The music data recording medium 105 is typically a small-sized

portable read/write recording medium comprised of a semiconductor memory and others. The music data recording medium 105 can be removable from the mobile phone 100 with music reproduction function.) (Figure 3, [0059], [0071], and [0072]).

Consider **claim 35, as applied to claim 34 above**, Tagawa et al. disclose wherein the at least one exchangeable housing part includes at least one part of the memory, with at least one acoustic effect file being stored in the at least one part of the memory (Music data recorded by music data readout unit 104 downloaded by the communication unit 108 is recorded in music data recording medium 105. The music data recording medium 105 can be removable from the mobile phone 100 with music reproduction function.) (Figure 3, [0070], [0071], and [0072]).

Consider **claim 36, as applied to claim 34 above**, Tagawa et al. disclose wherein the at least one exchangeable housing part includes at least one housing selection element for selecting at least one acoustic effect file (The mobile phone 100 comprises of a main body 1. The music data recording medium 105 is typically a small-sized portable read/write recording medium comprised of a semiconductor memory and others. The music data recording medium 105 can be removable from the mobile phone 100 with music reproduction function. The music data recording medium 105 is comprised of a song data storage area 201 in which the music data is stored per song in a file format, and a reproduction path management area 202 in which reproduction path information that defines the reproduction order of the music data is stored. The reproduction control information 205 is comprised of a file name 206 indicating the file name of the song data 203, a number of access points 207 indicating the number M of the access points which can be selected for a reproduction resume position of the song data 203 when music reproduction is resumed.) (Figure 3, [0059], [0071], [0072], [0079], and [0083]).

Consider **claim 37**, Tagawa et al. disclose a telecommunication terminal (mobile phone 100) (Figure 2, Figure 3, and [0059]), comprising:

a housing have an exchangeable housing part (The mobile phone 100 comprises of a main body 1. The music data recording medium 105 is typically a small-sized portable read/write recording medium comprised of a semiconductor memory and others. The music data recording medium 105 can be removable from the mobile phone 100 with music reproduction function.) (Figure 3, [0059], [0071], and [0072]);

a recording device for recording acoustic user information (microphone 7 inputs a user's voice) (Figure 2, Figure 3, [0061] and [0065]); and

a mixing device connected to the recording device such that in a mixing mode of operation the acoustic user information recorded by the recording device is modified, the mixing device being incorporated in the exchangeable housing part (Reproduction unit 106 reproduces music data stored in music data recording medium, a ring tone stored in ring tone storage unit 110 and communicating voice/sound. The music data recording medium 105 is removable from the mobile phone 100 with music reproduction function. The mobile phone 100 with music data reproduction function can reproduce the music data specified by a user in the BGM file name 310 as BGM, thereby producing an effect that both a user and his/her communicating partner listening to the music data as BGM.) (Figure 3, [0072], [0073], and [0126]).

Consider **claim 38, as applied to claim 37 above**, Tagawa et al. disclose wherein the mixing device, in the mixing mode of operation, at least one of provides the acoustic user information with a background of tone data and distorts the acoustic user information (If the control unit 103 determines to continue reproducing music data as BGM in Step S804, it has the

Art Unit: 2618

reproduction unit 106 tune down gradually the sound volume of the reproducing music data to that for BGM reproduction. At the same time, it has the ring tone readout unit 109 read out the predetermined ring tone from the ring tone storage unit 110, has the reproduction unit 106 start fade-in processing of the read-out ring tone, so as to reproduce the ring tone by mixing it with the BGM reproduction sound (S806), read as distorting the BGM by mixing it with ring tone or BGM alone can be a form or distortion during a telephone conversation. The mobile phone 100 with music data reproduction function can reproduce the music data specified by a user in the BGM file name 310 as BGM, thereby producing an effect that both a user and his/her communicating partner listening to the music data as BGM distorting the telephone conversation.) (Figure 10, [0112], and [0126]).

Consider **claim 39**, as applied to **claim 37 above**, Tagawa et al. disclose further comprising at least one of a start control element for starting the mixing mode of operation by a user and a stop control element for terminating the mixing mode of operation by the user (User's instructions include, for example, an instruction to accept the input of the communicating partner's phone number to make a call, a reproduction start instruction to start music reproduction, a stop instruction to stop music reproduction, a fast-forward instruction to fast-forward music reproduction and a rewind instruction to rewind music reproduction. There are three types of resume patterns 1~3 of the resume pattern 601 can be provided, thereby producing an effect that a user can choose and perform a resume method preferable for himself/herself among the above-mentioned methods 1~3.) ([0065], and [0103]).

Consider **claim 40**, Tagawa et al. disclose an exchangeable housing part (music data recording medium 105 that is typically a small-sized portable read/write recording medium) for a

telecommunication terminal (mobile phone 100), the telecommunication terminal having a recording device for recording acoustic user information (microphone 7 inputs a user's voice) (Figure 2, Figure 3, [0061] and [0065]), comprising a mixing device connected to the recording device such that in a mixing mode of operation the acoustic user information recorded by the recording device is modified (Reproduction unit 106 reproduces music data stored in music data recording medium, a ring tone stored in ring tone storage unit 110 and communicating voice/sound. The mobile phone 100 with music data reproduction function can reproduce the music data specified by a user in the BGM file name 310 as BGM, thereby producing an effect that both a user and his/her communicating partner can listen to the music data as BGM during the telephone conversation.) (Figure 3, [0073], and [0126]).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claim 41-42** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tagawa et al. (U.S. Patent Application Publication # 2002/0045438 A1)** in view of **Chou (U.S. Patent Application Publication # 2002/0111189 A1)**.

Consider **claim 41**, Tagawa et al. disclose a telecommunication terminal (mobile phone 100) having an acoustic recording device for recording acoustic user information (microphone 7 inputs a user's voice) (Figure 2, Figure 3, [0061] and [0065]), comprising a mixing device for modifying the acoustic user information (Reproduction unit 106 reproduces music data stored in music data recording medium, a ring tone stored in ring tone storage unit 110 and communicating voice/sound. The mobile phone 100 with music data reproduction function can reproduce the music data specified by a user in the BGM file name 310 as BGM, thereby producing an effect that both a user and his/her communicating partner can enjoy listening to the music data as BGM during a telephone conversation.) (Figure 3, [0073], and [0126]).

However, Tagawa et al. fail to disclose a supplementary device for a telecommunication terminal having a mixing device, the mixing device including a mixer output area for feeding out



Art Unit: 2618

modified acoustic user information, wherein the supplementary device may be attached to the telecommunication terminal such that, in a mixing mode of operation of the mixing device, the modified acoustic user information fed out by the mixer output area may be recorded by the acoustic recording device of the telecommunication terminal.

In the related art, Chou discloses a radio module detachably connectable to a cellular telephone wherein the radio module comprises a housing, a radio circuit installed within the housing, a speaker for providing audio output to the user, the speaker electrically connected to the radio circuit, wherein during a calling session with the cellular telephone, the radio module provides background music for the calling session ([0015], [0017], and [0019]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Chou into the teachings of Tagawa et al. for the purpose of the radio module to be easily attached or detached from the cellular telephone, increasing the versatility of the cellular telephone wherein the radio module provides background music during a calling session.

Consider **claim 42, as applied to claim 41 above**, Tagawa et al. as modified by Chou further teaches wherein the mixing device at least one of provides the acoustic user information with a background of tone data and distorts the acoustic user information (If the control unit 103 determines to continue reproducing music data as BGM in Step S804, it has the reproduction unit 106 tune down gradually the sound volume of the reproducing music data to that for BGM reproduction. At the same time, it has the ring tone readout unit 109 read out the predetermined ring tone from the ring tone storage unit 110, has the reproduction unit 106 start fade-in processing of the read-out ring tone, so as to reproduce the ring tone by mixing it with the BGM

Art Unit: 2618

reproduction sound (S806), read as distorting the BGM by mixing it with ring tone or BGM alone can be a form or distortion during a telephone conversation. The mobile phone 100 with music data reproduction function can reproduce the music data specified by a user in the BGM file name 310 as BGM, thereby producing an effect that both a user and his/her communicating partner listening to the music data as BGM distorting the telephone conversation.) (Tagawa et al. - Figure 10, [0112], and [0126]).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Taniguchi; Junya et al. (U.S. Patent # 7,099,704)

Baiker, Stefan et al. (U.S. Patent Application Publication # 2001/0031650)

Watkins, Andrew et al. (U.S. Patent Application Publication # 2004/0044953)

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

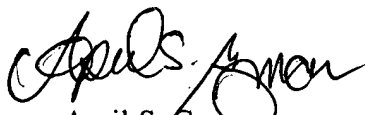
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Art Unit: 2618

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April S. Guzman whose telephone number is 571-270-1101. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
April S. Guzman  
A.S.G/asg

EDAN ORGAD  
PATENT EXAMINER/TELECOMM.

 12/9/4